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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,844	09/15/2000	Yasuyuki Susa	196824US0	2015
22850 7590 12/04/2003				
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
EXAMINER				
CORBIN, ARTHUR L				
ART UNIT PAPER NUMBER				
1761				

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09662344

Applicant(s)

SUSA ET AL

Examiner

ARTHUR L. COBBIN

Group Art Unit

1761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 8-4-03, 9-30-03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 7, 11, 12, 16-40

is/are pending in the application.

Of the above claim(s) 1, 9-24, 25-28, 31-34, 37-40

is/are withdrawn from consideration.

☐ Claim(s)

is/are allowed.

☒ Claim(s) 7, 11, 12, 16-18, 23, 24, 29, 30, 35, 36

is/are rejected.

☐ Claim(s)

is/are objected to.

☐ Claim(s)

are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2003 has been entered.

2. Claims 19-22, 25-28, 31-34 and 37-40 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

It should be noted that claim 31 is a previously withdrawn claim and not a previously presented claim, as applicant's September 30, 2003 amendment indicates.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 11, 12, 16-18, 23, 24, 29, 30, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susa et al or Sæda et al in view of Nowasad et al.

Applicant is referred to paragraph Nos. 4, 5 and 7, Paper No. 6 and to the second <sup>sub</sup> paragraph of paragraph No. 5, Paper No. 8.

5. Applicant's arguments filed September 30, 2003 have been fully considered but they are not persuasive. Applicant's limitation of "less than 0.1~~0~~ mol/liter" is merely

preferred (spec. page 6, line 22). ~~Re~~ferred limitations, without more, are not critical (In re Ratuch, 156 USPQ 502).

Applicant's data, ~~a~~<sup>s</sup> reproduced on pages 6-8 of applicant's remarks, is not convincing. Although 0.02 mol/liter ammonium chloride produces better results than 0.2 mol/liter, as shown by said data, there is no comparison of record between 0.1 mol/liter ammonium chloride and an amount slightly less than 0.1 mol/liter ammonium chloride. Further, the data in Table 3, last two columns (page 8 of remarks) is substantially equivalent for Groups 4-7. Thus, applicant's use of ammonium chloride in Groups 6 and 7 does not appear to produce any better results than obtained for Groups 4 and 5 in terms of "Breaking strength" and "Quality assessment". ~~Use~~<sup>If</sup> use of the pickle at higher viscosities is difficult, as applicant argues, then how are the results obtained in the last two columns of Table 3 for Groups 4 and 5?

6. Any inquiry concerning this communication from the examiner should be directed to Arthur Corbin whose telephone number is (703) 308-3850. The examiner can generally be reached on Tuesday--Friday from 10 a.m. to 7:30 p.m. and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

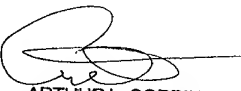
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Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

A. Corbin/dh  
December 1, 2003



ARTHUR L. CORBIN  
PRIMARY EXAMINER  
12-2-03